

CIVIL COVER SHEET

2:18-4082

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

J. M. Carl & P. M.

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office William C. Reif  
1515 Market ST., Ste 1200  
Philadelphia 19102 215-564-1635

DEFENDANTS

SPRINGFIELD TOWNSHIP, et al

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

FIRST AMENDMENT AND 42 U.S.C. 1983 1st seg  
BRIEF description of cause  
PUBLIC STUDENT PUNISHED FOR OFF-CAMPUS SPEECH

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
NONE

CHECK YES only if demanded in complaint  
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

SEP 21 2018

DATE  
9/21/18

SIGNATURE OF ATTORNEY OF RECORD

William C. Reif

# 26833

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 8504 WIDENER ROAD, Wyndmoor, PA 19038  
 Address of Defendant: ALL DEFS: <sup>VER</sup> 1901 Paper Mill Road, Ireland Pa  
 Place of Accident, Incident or Transaction: 1901 Paper Mill Road

**RELATED CASE, IF ANY:**

Case Number \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions

- |   |   |                              |                             |
|---|---|------------------------------|-----------------------------|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE: 9/20/18 Will C Reif Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

**CIVIL: (Place a \ in one category only)**

**A. Federal Question Cases:**

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
  - ☐ 2 FEIA
  - ☐ 3 Jones Act-Personal Injury
  - ☐ 4 Antitrust
  - ☐ 5 Patent
  - ☐ 6 Labor-Management Relations
  - ☒ 7 Civil Rights
  - ☐ 8 Habeas Corpus
  - ☐ 9 Securities Act(s) Cases
  - ☐ 10 Social Security Review Cases
  - ☐ 11 All other Federal Question Cases
- (Please specify) \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1 Insurance Contract and Other Contracts
  - ☐ 2 Airplane Personal Injury
  - ☐ 3 Assault, Defamation
  - ☐ 4 Marine Personal Injury
  - ☐ 5 Motor Vehicle Personal Injury
  - ☐ 6 Other Personal Injury (Please specify) \_\_\_\_\_
  - ☐ 7 Products Liability
  - ☐ 8 Products Liability - Asbestos
  - ☐ 9 All other Diversity Cases
- (Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Will C Reif, counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

☒ Relief other than monetary damages is sought

DATE: 9/20/18 Will C Reif Attorney-at-Law / Pro Se Plaintiff SEP 21 2018 #26833 Attorney I D # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

*J. M. and R. M.*

CIVIL ACTION

v.

*SPRINGFIELD TOWNSHIP, et al*

NO. *18cv4082*

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u><i>9/20/18</i></u>	<u><i>William C. Reil</i></u>	<u><i>Plaintiff</i></u>
Date	Attorney-at-law	Attorney for
<u><i>215-564-1635</i></u>	<u><i>215-564-4292</i></u>	<u><i>Bill Reil Law @</i></u>
Telephone	FAX Number	E-Mail Address

SEP 21 2018



*\$400*  
✓

*GJP*

LAW OFFICES OF WILLIAM C. REIL

BY: William C. Reil, Esquire

Identification No. 26833

1515 Market Street, Suite 1200

Philadelphia, PA 19102

(215) 564-1635

J.M. AND R.M., individually, and  
as parents and natural guardians of  
R.E.M., a minor

8504 Widener Road

Wyndmoor, PA 19038

v.

SPRINGFIELD TOWNSHIP SCHOOL  
DISTRICT

1901 Paper Mill Road

Oreland, PA 19075

and

NANCY HACKER

Superintendent

C/O Springfield Township School District

1901 Paper Mill Road

Oreland, PA 19075

and

CHARLES RITTENHOUSE

Principal

C/O Springfield Township School District

1901 Paper Mill Road

Oreland, PA 19075

and

SCOTT ZGRAGGEN

Assistant Principal

C/O Springfield Township School District

1901 Paper Mill Road

Oreland, PA 19075

ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT

COURT FOR THE EASTERN

DISTRICT OF PENNSYLVANIA

No.

*18cv4082*

JURY TRIAL DEMANDED

**COMPLAINT – CIVIL ACTION**

### **PARTIES**

1. The plaintiffs are J.M. and R.M., the parents of R.E.M., a minor age 16, and a student at Springfield Township High School, in the Springfield Township School District, at all times material herein. The address of plaintiffs is indicated in the caption.

2. A defendant is Springfield Township School District (“Springfield”), an educational institution or government entity of the Commonwealth of Pennsylvania. The address for Springfield is indicated in the caption.

3. A defendant is Dr. Nancy Hacker, Superintendent of Springfield Township High School, whose address for service of process is indicated in the caption.

4. A defendant is Dr. Charles Rittenhouse, Principal of Springfield Township High School, whose address for service of process is indicated in the caption.

5. A defendant is Scott Zraggen, Assistant Principal of Springfield Township High School, whose address for service of process is indicated in the caption.

### **JURISDICTION**

6. The Court has jurisdiction under the First Amendment of the United States Constitution, and also has jurisdiction under the Civil Rights Act, 42 U.S.C. § 1983, with pendent jurisdiction to consider any claims arising under state law.

### **VENUE**

7. Venue is properly before the Court, since all defendants are located or conduct business in the Eastern District of Pennsylvania, and the underlying transaction which forms the basis of the complaint, took place in the District.

### **GENERAL ALLEGATIONS**

8. This lawsuit arises out of the adverse administrative actions of defendants and punishment of R.E.M., a student enrolled in Springfield Township School District, on or about April 3, 2018, arising from a private Snapchat video by R.E.M., which was forwarded to school administrators by a third party. This video did not take place on school property nor did it cause a substantial and material disruption of school activities. See *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

9. R.E.M. was suspended by the School District, through its administrator defendants, arising out of the opinion expressed in the video by minor plaintiff. See Exhibit A, which is a suspension notice dated 04/03/18, with the identity of plaintiffs redacted.

10. Springfield, acting through its agents, servants, and employees, not only suspended R.E.M. for violating School policy, but proceeded to defame her by publishing implied references to the Snapchat video on electronic media throughout the School, via “Smart Board” to hundreds of students. An email to school parents addressing the incident was sent on or about 04/04/18. See Exhibit B.

11. R.E.M. was identified by her classmates as the person involved in the underlying incident arising out of the actions of defendants.

12. Such actions by the School defamed minor plaintiff, and placed her in a false light, as well as caused her emotional distress, embarrassment, humiliation, and loss of life’s pleasure. These actions by the School have and will affect her ability to receive an education at Springfield, and to be admitted to a college or university of her choosing and may impact future earning capacity.

13. Dr. Charles Rittenhouse, the Principal of Springfield Township High School, was a person directly involved in suspending R.E.M., and he was a policy maker and policy enforcer.

### **FIRST CAUSE OF ACTION**

14. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.

15. This cause of action is for violation of the First Amendment rights of R.E.M. The School District acted outside its authority for regulation of out of school speech. *J.S., A Minor, Through Her Parents v Blue Mountain School District; Joyce Romberger, James*, No. 08-4138 (3d Cir. 06/13/2011)

16. It is a violation of the law to suspend a student for non-disruptive conduct occurring outside school premises. See *J.S. v. Blue Mountain School District*, 3d Cir. 06/13/2011.

17. Defendants' punishment of R.E.M. was a result of a constitutionally protected expression of her opinion in a video made off of school property, which violates her rights under the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, and 42 U.S.C. §1983.

18. Defendants' policies and rules are unconstitutionally vague and/or overbroad, both on their face and applied to R.E.M., *inter alia*, because they do not distinguish between conduct at school or school-related events and conduct away from school, and thus violate the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, and 42 U.S.C. §1983.

19. Similarly, the basis for the suspension of R.E.M. is stated by the School District as "inappropriate behavior" (emphasis in the original). See Exhibit A. This

characterization of R.E.M.'s behavior and her subsequent suspension, is not only void for vagueness and overbreadth, but is a pretext used by the defendants to sanction R.E.M. for the valid exercise of her First Amendment rights.

20. Springfield School District has the authority to regulate conduct of students "during such time as they are under the supervision of the Board of School Directors," 24 P.S. §5-510, and "during the time they are in attendance," 24 P.S. §13-1317.

21. Springfield School District does not have the authority to regulate non-disruptive student conduct occurring outside of school property. Such action by the School District is legally *ultra vires*.

22. Defendants' disciplinary action against R.E.M. for conduct that occurred off of school grounds exceeds the disciplinary authority granted to the School District by Pennsylvania law and the United States Constitution.

23. Minor plaintiff has sought medical treatment for the emotional distress caused by defendants.

24. As a result of defendant's illegal actions, minor plaintiff suffered violation of her civil rights, emotional distress, embarrassment, humiliation, defamation, and false light portrayal.

WHEREFORE, plaintiffs request damages from defendants for violation of plaintiffs' civil rights, defamation, emotional distress, and loss of earnings and earning capacity, in an amount in excess of \$150,000 (One Hundred and Fifty Thousand Dollars), plus interest, costs, attorney's fees, injunctive relief, and any other applicable relief by the Court. Plaintiffs also request expungement of this incident from minor plaintiff's student records.



**SECOND CAUSE OF ACTION**

25. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.

26. This cause of action is for violation of plaintiff's substantive and procedural due process rights under §1983 of the Civil Rights Act.

27. Plaintiffs were denied any hearing by the District before punishment was exacted.

28. Plaintiff's substantive and procedural due process rights were violated by the actions of defendants, and such actions constituted a violation of her civil rights under 42 U.S.C. §1983.

29. Plaintiff's due process liberty interest was violated by punishing her for freedom of expression.

WHEREFORE, plaintiffs request damages from defendants for violation of plaintiffs' civil rights, defamation, emotional distress, and loss of earnings and earning capacity, in an amount in excess of \$150,000 (One Hundred and Fifty Thousand Dollars), plus interest, costs, and attorney's fees, plus injunctive relief, and any other applicable relief by the Court. Plaintiffs also request expungement of this incident from minor plaintiff's student records.

**THIRD CAUSE OF ACTION**

30. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.

31. This cause of action is for the pendent claim of defamation.

32. Defendants defamed and portrayed R.E.M. in a false light through the following actions:

- a) Broadcasting and publishing references to R.E.M.'s alleged misconduct off of school premises to hundreds of students and faculty in the School, through the "Smart Board" electronic system and other means;
- b) Putting R.E.M. in a false light by suspending her;
- c) Making announcements and communications to the student body of Springfield Township High School, which caused them to identify R.E.M. through social media, communication with other students, and other means;
- d) Suspending minor plaintiff without legal basis;
- e) Defaming minor plaintiff through her school records, which may be accessible to colleges and other organizations.
- f) Otherwise defaming plaintiffs and their daughter by causing false and defamatory statements to be published and placing plaintiff in a false light, when defendants, acting through their agents, servants, and employees, knew or should have known that the identity of R.E.M. would be ascertained through their actions.

WHEREFORE, plaintiffs request damages from defendants for violation of plaintiffs' civil rights, defamation, emotional distress, and loss of earnings and earning capacity, in an amount in excess of \$150,000 (One Hundred and Fifty Thousand Dollars), plus interest, costs, and attorney's fees, plus injunctive relief, and any other applicable relief by the Court. Plaintiffs also request expungement of this incident from minor plaintiff's student records.

#### **FOURTH CAUSE OF ACTION**

33. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.

34. This is a cause of action against Superintendent Nancy Hacker, Ed.D, who at all times material herein, approved and ratified the decision to discipline and/or punish minor plaintiff R.E.M. for the exercise of her First Amendment rights outside of school property.

35. At all times material herein, Nancy Hacker was the Superintendent of the Springfield Township School District and the highest individual authority in the School District.

36. Superintendent Hacker was in contact with Dr. Rittenhouse, and at her direction, Principal Rittenhouse, or his administrative subordinates, suspended and disciplined R.E.M., as a result of this incident.

37. Superintendent Hacker conducted the second meeting with the plaintiffs on or about 04/04/18, and she authorized the suspension of R.E.M. arising out of the Snapchat video.

38. Superintendent Hacker ratified the punitive measures against R.E.M. imposed by the District.

39. Superintendent Hacker was the chief policy maker and policy enforcer for the School District.

40. As a result of the actions of Superintendent Hacker, the heretofore mentioned torts were committed and plaintiff suffered the damages previously enumerated.

WHEREFORE, plaintiffs request damages from defendants for violation of plaintiffs' civil rights, defamation, emotional distress, and loss of earnings and earning capacity, in an amount in excess of \$150,000 (One Hundred and Fifty Thousand Dollars),

plus interest, costs, and attorney's fees, plus injunctive relief, and any other applicable relief by the Court. Plaintiffs also request expungement of this incident from minor plaintiff's student records.

#### **FIFTH CAUSE OF ACTION**

41. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.

42. This cause of action is against defendant Charles Rittenhouse, Ed.D. who at all times material herein was the Principal of Springfield Township High School.

43. Dr. Rittenhouse was present at a meeting with R.E.M. on 04/03/18, and with both parents on 04/04/18, in which he admonished R.E.M. in the presence of her parents for exercising her First Amendment rights with respect to the Snapchat video.

44. Dr. Rittenhouse spoke on a live "Smart Board" presentation and addressed the School about the content of the Snapchat video.

45. As a result of the actions of Principal Rittenhouse, the heretofore mentioned torts were committed and plaintiff suffered the damages previously enumerated.

WHEREFORE, plaintiffs request damages from defendants for violation of plaintiffs' civil rights, defamation, emotional distress, and loss of earnings and earning capacity, in an amount in excess of \$150,000 (One Hundred and Fifty Thousand Dollars), plus interest, costs, and attorney's fees, plus injunctive relief, and any other applicable relief by the Court. Plaintiffs also request expungement of this incident from minor plaintiff's student records.

#### **SIXTH CAUSE OF ACTION**

46. Plaintiffs incorporate all prior paragraphs as though fully set forth herein.



47. Defendant Assistant Principal Scott Zgraggen, at all times material herein, was an administrator at Springfield Township High School who had authority over minor plaintiff R.E.M.

48. Assistant Principal Scott Zgraggen handed a letter to the parents of R.E.M., on or about 04/09/18, suspending her for alleged “inappropriate behavior”. This letter was unconstitutionally vague, pretextual in nature, and violated the First Amendment rights of R.E.M. *See* Exhibit A.

49. The suspension for “inappropriate behavior” was a pretext for punishment of R.E.M. exercising her First Amendment rights, as heretofore set forth.

50. **“Inappropriate behavior”** as a violation of the School’s discipline policy is so nebulous, as to be void for vagueness and unconstitutionally infirm as overbroad (emphasis in the original). *See* Exhibit “A”.

51. Mr. Zgraggen was present at the “re-entry conference” on 04/10/18, for the parents of R.E.M., before she was allowed to return to School.

52. The suspension letter (Exhibit A) was placed in the student discipline file for R.E.M. and given to her guidance counselor.

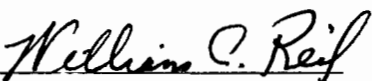
53. This was the third disciplinary conference for the parents of R.E.M. arising out of the incident in this Complaint.

54. Defendant Scott Zgraggen committed the torts as heretofore outlined in this Complaint and plaintiff suffered the damages as heretofore described.

WHEREFORE, plaintiffs request damages from defendants for violation of plaintiffs’ civil rights, defamation, emotional distress, and loss of earnings and earning capacity, in an amount in excess of \$150,000 (One Hundred and Fifty Thousand Dollars),

plus interest, costs, and attorney's fees, plus injunctive relief, and any other applicable relief by the Court. Plaintiffs also request expungement of this incident from minor plaintiff's student records.

Date: 9/20/18

  
William C. Reil, Esquire  
Attorney for Plaintiff  
1515 Market Street, Suite 1200  
Philadelphia, PA 19102  
215-564-1635  
ID: 26833

# EXHIBIT

## A



## School District of Springfield Township

Springfield Township High School 1801 East Paper Mill Road Erdenheim, Pennsylvania 19038 215.233.6030

Dr. Charles Rittenhouse, Ed.D.  
Principal

Nancy Hacker, Ed.D.  
Superintendent

April 3, 2018

R [REDACTED] M [REDACTED]

J [REDACTED] M [REDACTED]

8504 Widener Road  
Wyndmoor, PA 19038

RE: R [REDACTED] M [REDACTED]

To the Parent/Guardian of R [REDACTED] M [REDACTED]

Please be advised that your child, R [REDACTED] has been placed on Out-of-School Suspension for the following date: April 3, 4, 5, 6, and 9, 2018.

The basis for the suspension is Inappropriate Behavior, a violation of the school discipline policy.

During the period of Out-of-School Suspension, your child should be under direct adult supervision during the school day. Also, during that time, your child is not permitted to be on school property at any time for any reason, and shall not be permitted to attend any school sponsored activity. Trespassing on school property during the Out-of-School Suspension may result in a referral to legal authorities.

While on Out-of-School Suspension, your child has the right to all homework and assignments. Please contact Susan Nelson at 215-233-6030, ext.2001 to make arrangements as soon as possible.

As a condition of reinstatement, a parent or guardian must accompany your child for a short re-entry conference. At that time, we will review our behavior expectations, including how we can work together for your child to have a successful year, both academically and socially. This re-entry conference has been scheduled for Tuesday, April 10, 2018 at 10:45am.

Please contact me at 610-233-6030 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Zraggen".

Scott Zraggen, Assistant Principal

cc: Student Discipline file  
Guidance Counselor

*Where Community and Schools are One*



# EXHIBIT B

-----Original Message-----

From: STHS <[denise\\_buchanan@sdst.org](mailto:denise_buchanan@sdst.org)>  
To: stivrip <[stivrip@aol.com](mailto:stivrip@aol.com)>  
Sent: Tue, Apr 3, 2018 5:53 pm  
Subject: Incident Update

As you may be aware, a video that contained racially insensitive comments was recorded by two of our high schools students and viewed last evening by numerous students, parents, staff and community members. After we became aware of the situation early this morning, the Administrative Team immediately investigated the situation in order to determine and take appropriate actions. The district recognizes the very serious nature of this incident and are taking the necessary steps to work with our students so that they develop an understanding that hate has no place in our school. We also understand that young people do not always recognize or appreciate the devastation that their comments can cause. We have an obligation to work with the students who have been hurt, as well as a responsibility to educate the students who may not understand the fallout from their words or actions. While we are disappointed that our school community is in this position, we are proud that many of our students have handled themselves with maturity as we begin to process what has occurred, and why, and heal. This will certainly be an ongoing effort that will take commitment from the entire community. We appreciate everyone's support and concern and look forward to brighter days ahead and a productive, continued dialogue about tolerance and understanding.

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